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MD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,382	02/01/2002	Kamaljit S. Kaura	KAURA.K-03	2414

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GENE SCOTT; PATENT LAW & VENTURE GROUP  
3140 RED HILL AVENUE  
SUITE 150  
COSTA MESA, CA 92626-3440

EXAMINER

NEWHOUSE, NATHAN JEFFREY

ART UNIT PAPER NUMBER

3727

DATE MAILED: 02/25/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/061,382

Applicant(s)

KAURA, KAMALJIT S.

Examiner

Nathan J. Newhouse

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 3-4 and 10-11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 and 10 are rejected as there is no support in the originally filed specification for the lid lip having plural annular ribs. In the specification and drawings, applicant has only described a pair of annular ribs. As the term "plural" encompasses more than two, there is no support for this term. This is a new matter rejection.

Claims 3-4 and 11 are rejected as these claims depend from claim 1 or 10.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrier (US 5,064,090) in view of Anderson (US 4,380,304) and Omrani (US 6,073,899).

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Farrier teaches a circular container (10) having a bottom and a sidewall tapered inwardly to the bottom as shown. At the top end of the sidewall, there is an outwardly extending lip as shown in figure 3. A side handle (30) extends outwardly and downwardly integral with the outwardly extending lip and has reinforcing ribs (33) to strengthen the handle (30) to attach the container to a ladder. Farrier does not teach a lid for closing the container or the side handle having a downwardly extending portion that extends at an angle towards the sidewall of the container.

Anderson teaches a similar circular container having a lid for closing. The lid has an annular lid lip (90) with spaced apart ribs (92,94) to provide a good seal between the container and the lid. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a lid having an annular lid lip with spaced apart ribs as taught by Anderson to close the container of Farrier to provide a good seal while closing of the container.

Omrani teaches a hanger handle having a downwardly extending portion (20) that extends at an angle towards the other side of the hanger to provide a clamping of the hanger handle onto a board, rail headboard, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the sidewall of the handle of Farrier with a downwardly extending portion that is at an angle to the sidewall of the container as taught by Omrani to provide a secure means for holding the container to a board or ladder as the downwardly extending portion at an angle provides a clamping effect.

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5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farrier (US 5,064,090) in view of Anderson (US 4,380,304) and Omrani (US 6,073,899) as applied to claim 1 above, and further in view of Mayer et al. (US 4,148,699).

Farrier, as modified above, teaches everything except for the container having a mirror finish to inhibit microorganism growth.

Mayer et al. teaches the use of mirror finishes on stainless steel items to prevent bacteria growth. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the container of Farrier out of stainless steel with a mirror finish to prevent bacteria (microorganism) growth.

6. Claims 4 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrier (US 5,064,090) in view of Anderson (US 4,380,304) and Omrani (US 6,073,899) as applied to claim 1 above, and further in view of Moore (US 3,329,321) and Boyer (US 4,011,951).

Farrier, as modified above, teaches everything except for the fastener on the side handle to allow for the container to be fixedly attached to a rail of a stall.

Moore teaches a similar container having a fastener (24) used to fixedly attach the container to a fence post. Boyer teaches a bracket similar to the handle of Farrier that is used to hold an animal feeder to a rail of a stall. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a fastener as taught by Moore on the side handle of Farrier to fixedly attach the container to a rail of a stall as taught by Boyer to allow the container of Farrier to be an animal feeder.

***Response to Arguments***

7. Applicant's arguments filed Dec. 11, 2003 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morales and Zissu teach hanger/handles with a downwardly extending portion that is angled towards the other side to clamp the hanger to an object.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

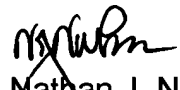
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan J. Newhouse whose telephone number is (703)-308-4158. The examiner can normally be reached on Monday-Thursday 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on (703)-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nathan J. Newhouse  
Primary Examiner  
Art Unit 3727